

CHAPTER 75-05-01 ADMINISTRATION AND CENTER MANAGEMENT

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75-05-01-01. Definitions. As used in this article:

1. "Acute treatment services" means a group of core services designed to address the needs of vulnerable children, adolescents, adults, elderly, and families who have problems.
2. "Addiction evaluation" means an assessment by an addiction counselor to determine the nature or extent of possible alcohol abuse, drug abuse, or chemical dependency.
3. "Admission process" means an initial face-to-face contact with the client intended to define and evaluate the presenting problem and make disposition for appropriate services.
4. "Aftercare services" means activities provided for an individual with serious mental illness and who is in an inpatient facility and ready for discharge. These services assist an individual in gaining access to needed social, psychiatric, psychological, medical, vocational, housing, and other services in the community.
5. "Case management for an individual with serious mental illness" means services which will provide or assist an individual with serious mental illness in gaining access to needed medical, psychological, social, educational, vocational, housing, and other services.
6. "Client" means an individual who receives clinical or extended services from the human service center and for whom a client record is maintained.
7. "Client record" means a compilation of those events and processes that describe and document the evaluation, care, treatment, and service of the client.

8. "Clinical services" means a variety of services, including acute treatment services, emergency services, extended care services, medications, community consultation and education, psychological services, and regional intervention services to meet the care and treatment needs of clients.
9. "Clinical staff privileges" means approval of human service center staff, who have been identified by the regional director to render client care and treatment services within well-defined limits, based on the individual's professional qualifications, experiences, competence, ability, and judgment.
10. "Community home counselor" means an individual who provides care, supervision, and training for an individual with serious mental illness or serious emotional disturbance in a community residential care facility and assists a resident in reorientation to the community.
11. "Community living supervisor" means a professional who is responsible for the planning and implementation of training and treatment in a community residential care facility for an individual with serious mental illness.
12. "Community residential service" means a variety of residential options which may include transitional living, supported living, crisis residential, in-home residential services, and other residential services necessary to assist an individual in becoming successful and satisfied in the individual's living environment.
13. "Community supportive care service" means the use of noncenter staff to assist an individual with serious mental illness to remain in the community.
14. "Crisis residential services" means temporary housing to provide crisis intervention, treatment, and other supportive services necessary for an individual to 14. "Crisis stabilization and crisis resolution.
15. "Department" means the department of human services.
16. "Diagnosis" means the process of identifying specific mental or physical disorders based on standard diagnostic criteria.
17. "Educational programs" means planned, time-limited educational programs, including child management or parenting courses.
18. "Emergency services" means a service that is available at all times to handle crisis situations.
19. "Extended care services" means services provided to an individual with serious mental illness to maintain or promote social, emotional,

and physical well-being through opportunities for socialization, work participation, education, and other self-enhancement activities. Extended care services include community residential services, work skills development, community supportive care services, case management and aftercare services, and psychosocial rehabilitation centers.

20. "Extended services" means a federally mandated [34 CFR part 363.50(a)(2)] component designed to provide employment-related, ongoing support for an individual in supported employment. Extended services may include job development, replacement in the event job loss occurs, and, except for an individual with serious mental illness, must include a minimum of two onsite job skills training contacts per month and other support services as needed to maintain employment. It may also mean providing other support services at or away from the worksite.
21. "Group counseling" or "group therapy" means a form of treatment in which a group of clients, with similar problems, meet with a counselor or therapist to discuss difficulties, provide support for each other, gain insight into problems, and develop better methods of problem solving.
22. "Human service center" means a facility established in accordance with the provisions of North Dakota Century Code section 50-06-05.3.
23. "Human service council" means a group appointed in accordance with the provisions of North Dakota Century Code section 50-06-05.3.
24. "Individual counseling" or "individual therapy" means a form of treatment in which a counselor or therapist works with a client on a one-to-one basis.
25. "Individual plan" means a document which describes an individual plan of treatment or service for each client, including a description of the client's problems and goals for treatment and the individuals responsible for initiating and implementing the plan.
26. "Individual service plan (ISP)" means an individual plan that identifies service needs of the eligible client and the services to be provided, and which is developed by the mental retardation-development disabilities case manager and the client or that client's legal representative, or both, considering all relevant input.
27. "Individual with serious mental illness" means a chronically mentally ill individual as defined in subsection 0.1 of North Dakota Century Code section 57-38-01.
28. "Individualized written rehabilitation program (IWRP)" means a statement of the client's rehabilitation goal and a detailed outline of

the program to be followed in achieving the goal. The individualized written rehabilitation program is not a contract, but rather a tool in the rehabilitation process used for informational, planning, and assessment purposes. Participatory planning by the counselor and the client is required to establish communication and a mutual understanding of the goals and the objectives.

29. "Medication review" means prescription monitoring and consultation, with a client, performed by a psychiatrist or medical doctor, regarding the client's use of medication.
30. "Mental retardation-developmental disabilities case management" means services which will assist an individual with mental retardation and related conditions in gaining access to needed medical, social, educational, vocational, and other services, review of client outcomes and satisfactions, monitoring and evaluation of services, and includes related paperwork, collaterals with significant others and other agencies, phone contacts, and consultation with other staff, supervisors, and peers.
31. "Mental retardation-developmental disabilities case manager" means a qualified mental retardation professional who is responsible for providing a single point of entry, program coordination, monitoring, and review for assigned clients.
32. "Mental status" means an evaluation of an individual's appearance, posture, mood, affect, attitude toward assessment, orientation, speech, recent and remote memory, abstract reasoning, insight, judgments, preoccupations, hallucinations, delusions, and suicidal or homicidal ideation.
33. "Minorities" means all individuals who are ethnic black, hispanic, Asian or Pacific islander, American Indian, or Alaskan native.
34. "Multidisciplinary team" means at least three staff members representing two different professions, disciplines, or services. At least one of the three must be a psychiatrist or psychologist.
35. "Outreach" means the process of reaching into a community systematically for the purposes of identifying individuals in need of services, alerting and referring an individual and an individual's family to the availability of services, locating needed services, and enabling an individual to enter and accept the service delivery system.
36. "Program" means an organized system of services designed to meet the service needs of clients.
37. "Progress notes" means the documentation in the client's record which describes the client's progress or lack of progress in treatment.

38. "Psychiatric evaluation" means the assessment or evaluation of a client by a psychiatrist.
39. "Psychiatrist" means a physician, with three years of approved residency training in psychiatry, who is American board of psychiatry and neurology eligible, and who is licensed to practice medicine in the state of North Dakota.
40. "Psychological evaluation" means the assessment or evaluation of a client by or under the supervision of a licensed psychologist.
41. "Psychologist" means a professional who holds a doctor's degree in psychology and who is licensed by the state of North Dakota or who qualifies as a psychologist under North Dakota Century Code section 43-32-30.
42. "Psychosocial rehabilitation center" means a facility whose staff may provide socialization, social skill building, information and referral, and community awareness for the purpose of enhancing the ability of an individual with serious mental illness to live in the community.
43. "Qualitative and quantitative indicator" means an expected standard of care or outcome that can be measured.
44. "Regional aging services program administrator" means an individual assigned the responsibility to plan, develop, implement, and assess programs under the Older Americans Act.
45. "Regional mental retardation-developmental disabilities program administrator" means a professional designated by the regional director who is responsible for the overall management and administration of the mental retardation-developmental disabilities case management system.
46. "Regional director" means the human service professional who is appointed by the executive director of the department to be responsible for the overall management and administration of the human service center.
47. "Regional intervention service" means a service unit within a human service center which provides crisis intervention and support services in a community as an alternative to state hospital admission.
48. "Regional representative of county social services programs" means an individual, designated by the regional director of the human service center, to whom is delegated the responsibility of supervising and assisting with county social service board programs as assigned.

49. "Residential treatment team" means multidisciplinary staff who make decisions regarding admissions, treatment, training, and disposition of clients in the community residential service.
50. "Risk management" means an ongoing process of systematically reviewing the activities which monitor and evaluate the quality and appropriateness of clients', staffs', and visitors' safety and protection.
51. "Semi-independent living arrangement" means services which are provided to an individual with serious mental illness in the individual's chosen environment to assist and enhance an individual's abilities to be successful and satisfied in the individual's living environment. Services may include assessment, education and training, monitoring, financial assistance, advocacy, or other supported activities.
52. "Seriously mentally ill (SMI) day treatment" means center or community-based services provided to individuals to maintain or promote social, emotional, and physical well-being through opportunities for socialization, therapy, work preparation, education, and other self-enhancement activities.
53. "SMI group care" means the provision of meals and lodging-related services to an individual in a twenty-four-hour per day community-based living environment established for an individual who does not need the protection offered in an institutional setting, but is not yet ready for independent living.
54. "Staff orientation and inservice training" means orientation of new employees and inservice training of staff provided or approved by the department.
55. "Supervision of county social services" means the activities of supervision, consultation, evaluation, licensure, certification of various county social service programs, program planning, implementation, monitoring, receiving and reviewing reports, generation of statistical reports, staff development, and inservice training of county social service board staff and board members.
56. "Utilization review" means a program designed to ensure optimal use of center resources to determine if professionally recognized standards are being practiced for service utilization.
57. "Vocational adjustment counseling" means assisting the individual and the individual's family to understand and accept any physical or mental limitations placed on activities because of a disability. This includes working with the client, teacher, trainer, and employer to help the client learn adaptive behavior or techniques to attain the vocational objective and function appropriately in the family and community.

58. "Vocational assessment diagnosis and evaluation" means acquisition and analysis of medical, psychological, vocational, educational, and social information to determine the effect of a handicapping condition on preparing for or obtaining employment. This also includes the medical and psychological consultations, as well as consultations with social workers, teachers, and employers, on behalf of a specific client.
59. "Vocational rehabilitation administrator" means the professional responsible for the overall management and implementation of all vocational rehabilitation services within a region.
60. "Vocational rehabilitation counselor" means the professional who provides vocational counseling and guidance, placement services, and assists an individual with physical or mental disabilities.
61. "Work skills development" means a range of services designed to assess clients' vocational strengths and weaknesses, provide prevocational skills training, job exploration, and followup.

History: Effective November 1, 1987; amended effective December 1, 1991; February 1, 1996.

General Authority: NDCC 50-06-05.2

Law Implemented: NDCC 50-06-05.2

75-05-01-02. Administration.

1. The regional director shall have direct responsibility for the overall management and implementation of services and programs of the human service center and must be a full-time employee.
2. The regional director shall employ personnel who meet applicable federal and state laws, rules, and court orders. The employed personnel shall meet the criteria for employment as set forth by state merit system standards and the central personnel division. All human service center employees are department employees.
3. The human service center shall have a system of verifying licensure for all employees, who, by state law, are required to have a license to perform assigned duties.
4. The regional director shall appoint supervisory staff to provide performance evaluations of personnel.
5. The regional director shall develop an organizational chart which reflects the line of authority of staff.

6. If necessary, the regional director may contract for services with nonemployees according to the department's policies.

History: Effective November 1, 1987; amended effective December 1, 1991; February 1, 1996.

General Authority: NDCC 50-06-05.2

Law Implemented: NDCC 50-06-05.2

75-05-01-03. Human service council.

1. The human service center shall have a human service council appointed in accordance with North Dakota Century Code section 50-06-05.3.
2. The regional director shall maintain an accurate list of all human service council members, together with council members' addresses and telephone numbers.
3. The human service council shall meet at least quarterly.
4. The human service council shall develop bylaws to govern its activities.
5. The human service council shall keep minutes of all meetings and, when the minutes have been approved, a copy must be sent to the executive director of the department.

History: Effective November 1, 1987; amended effective February 1, 1996.

General Authority: NDCC 50-06-05.2

Law Implemented: NDCC 50-06-05.2

75-05-01-04. Fiscal management.

1. The regional director shall designate a business manager who shall oversee the financial management of the center.
2. The business manager, or the business manager's designee, shall:
 - a. Prepare the biennial budget;
 - b. Collect data for ratesetting purposes;
 - c. Collect and enter data into the departmental data collection systems;
 - d. Close audit recommendations;
 - e. Timely and accurately respond to financial information requests;
 - f. Supervise all assets, inventories, and receivables under the control of the human service center;

9. Manage day-to-day business affairs of the human service center, including collection and payment of bills consistent with departmental manuals; and
- h. Follow established departmental contracting procedures.

History: Effective November 1, 1987; amended effective December 1, 1991; February 1, 1996.

General Authority: NDCC 50-06-05.2

Law Implemented: NDCC 50-06-05.2

75-05-01-05. Personnel policies and procedures. Repealed effective December 1, 1991.

75-05-01-06. Staff orientation and inservice training.

1. The human service center shall develop and implement a written plan for the orientation and inservice training of all new employees. The orientation program must:
 - a. Be initiated upon employment and completed within thirty working days; and
 - b. Include policies and procedures of the department, operations of the human service center, and any other information deemed necessary by the regional director and the supervisor of the individual being employed.
2. Employees of the human service center shall attend training programs relevant to the human service center programs and clients.
3. All orientation training and inservice training must be documented.

History: Effective November 1, 1987; amended effective December 1, 1991; February 1, 1996.

General Authority: NDCC 50-06-05.2

Law Implemented: NDCC 50-06-05.2

75-05-01-07. Quality assurance. Repealed effective February 1, 1996.

75-05-01-08. Utilization review.

1. The human service centers shall comply with the requirements of the department's data collection system.
2. The human service center shall implement a utilization review program to assess quality client care, which reviews appropriateness of admissions, services provided, duration of service, underutilization and

overutilization of personnel and financial resources, and outcome or followup studies.

3. The regional director shall designate committees or individuals to provide a client record review program of individual treatment and services provided as outlined in chapter 75-05-04. The client record review program must include both qualitative and quantitative indicators as defined by departmental policy.

History: Effective November 1, 1987; amended effective December 1, 1991; February 1, 1996.

General Authority: NDCC 50-06-05.2

Law Implemented: NDCC 50-06-05.2

75-05-01-09. Emergency management.

1. The regional director shall adopt and maintain a written emergency management plan which provides crisis counseling for disaster emergencies in counties within the center's catchment area. The emergency management plan must be available on the premises. Clients must be instructed in the plan's implementation unless the instruction would be injurious to the client's well-being. The emergency management plan must be coordinated with the local office of emergency management.
2. The regional director shall adopt and maintain a written emergency management plan within the human service center and other facilities operated by the center.
3. Evacuation drills at the human service center must be conducted and documented annually. Evacuation drills at the residential facilities operated by the center must be conducted and documented at least every six months.

History: Effective November 1, 1987; amended effective December 1, 1991; February 1, 1996.

General Authority: NDCC 50-06-05.2

Law Implemented: NDCC 50-06-05.2

75-05-01-10. Clients' rights.

1. Individuals responsible for admissions shall provide all human service center clients, and the clients' families or guardians, as appropriate, with a written statement regarding the exercise and protection of the clients' civil rights. The statement must include the assurance of civil rights for all clients of the human service center regardless of the clients' race, color, religion, national origin, sex, age, political beliefs, or handicap in accordance with title VI of the Civil Rights Act of 1964, section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act, the Americans

with Disabilities Act of 1990, and the North Dakota Human Rights Act (North Dakota Century Code chapter 14-02.4).

2. The clients, and families, custodians, or guardians, as appropriate, must receive written information concerning their rights under each program within the human service center from which the client is receiving services.
3. Each client, and family or guardian, as appropriate, will receive written information describing:
 - a. The conditions under which a decision, action, or inaction may be appealed;
 - b. The method of filing the appeal;
 - c. The various steps in the appeal; and
 - d. The assistance which can be furnished in the preparation and submission of the appeal.
4. The human service center shall provide assistance in obtaining protective or advocacy services, if necessary.
5. Clients' rights may not be limited, unless the limitation is essential to protect the clients' safety, the safety of others, or is determined to be of therapeutic value. The restriction must follow the limitations and restrictions of the patient's rights according to North Dakota Century Code section 25-03.1-41.
6. This article may not be construed as creating, for the benefit of a client, or a client's family or guardian, any civil right or other right.

History: Effective November 1, 1987; amended effective December 1, 1991; February 1, 1996.

General Authority: NDCC 50-06-05.2

Law Implemented: NDCC 50-06-05.2

75-05-01-11. Risk, safety, and security management.

1. The human service center shall develop and implement a procedure for infection control based on recognized guidelines, such as occupational safety and health association bloodborne pathogen standards.
2. The human service center shall develop and implement a procedure for the management of episodes of aggressive and violent client, staff, and visitor behavior in facilities operated by the center.

3. The regional director shall designate a risk manager who shall oversee the risk management of the center.
4. The risk manager, or the risk manager's designee, shall:
 - a. Develop and maintain the workers compensation bureau's risk management program for the center;
 - b. Collect data and file reports as needed for workers' compensation, liability, fire and tornado, bonding fund, and any other entities providing insurance or the equivalent for the center, its staff, or its assets;
 - c. File claims as needed with the insuring entities;
 - d. Close recommendations resulting from reviews by loss control staff; and
 - e. Actively promote risk management throughout the human service center.

History: Effective February 1,1996.

General Authority: NDCC 50-06-05.2

Law Implemented: NDCC 50-06-05.2